

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUAN A. PALAU,

Plaintiff,

-v-

TMC TRANSPORTATION INC. and CARLOS E. ANAYA,

Defendants.
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20-CV-3242 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Defendants filed a letter requesting that the Court “so order” a subpoena. Dkt. 19. For the reasons set forth below, the Court denies this request.

In this case, Plaintiff sued Defendants for damages stemming from alleged injuries caused by a motor vehicle accident on the Whitestone Bridge. Dkt. 1-1. Fact discovery is due by January 29, 2021 and expert discovery, including depositions, is due by February 26, 2021. Dkt. 16. On January 8, 2021, Defendants submitted a letter to the Court stating that they served a subpoena on the “sergeant involved in the investigation of the motor vehicle accident.” Dkt. 19. However, Defendants state that “[u]pon service of the subpoena on the sergeant and the Triborough Bridge and Tunnel Authority (TBTA), [they] were notified that the policy for the TBTA is that [the TBTA] will not honor a subpoena without it being so ordered by a Judge.” *Id.* Therefore, Defendants request that the Court “so order” the subpoena. *Id.*

Federal Rule of Civil Procedure 45(a)(3) authorizes Defendants’ attorney to issue a subpoena. Fed. R. Civ. P. 45(a)(3). Thus, a subpoena signed by Defendants’ counsel “is a mandate of the court sufficient to require compliance.” *Anderson v. City of New York*, No. 06 Civ. 5363 (KAM) (VVP), 2009 WL 3731973, at *1 (E.D.N.Y. Nov. 6, 2009). If the TBTA fails to comply

with the subpoena, Defendants may move to compel discovery under Federal Rule of Civil Procedure 37(a) and request that the Court issue an order to show cause why the TBTA should not be held in contempt for failing to comply with the subpoena. *See* Fed. R. Civ. P. 45(g).

For the foregoing reasons, the Court DENIES Defendants' request that the Court "so order" the subpoena to the TBTA.

Defendants shall serve a copy of this Order on the TBTA.

SO ORDERED.

Dated: January 9, 2021
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", is written over a horizontal line.

JOHN P. CRONAN
United States District Judge